

Probate Notes for January 13, 2010

Probate notes are a recommendation as to the outcome of the petition. Unlike tentative rulings, they do not automatically become adopted as the order of the court. If you wish to continue a matter, please contact the civil division at (530) 406-6704. If you have questions, you may contact the probate examiner at (530) 406-6802 between the hours of 2 and 4 p.m.

CASE: Probate Conservatorship of Galina Perry
Case No. CV PB 06-253

On September 21, 2009, the Court ordered the conservator to file a first account and report. This matter has been continued three times to allow the conservator to file the required account and report. On November 12, 2009, counsel for the conservator represented to the Court that the first account would be filed “directly.” Yet, to date, no account and report has been filed.

The conservator Nena Dennis and her counsel Charles R. Jansen are directed to appear and to be prepared to explain why the conservator has failed to comply with the Court’s order. If they fail to appear or if the Court is not satisfied by the conservator’s explanation and the conservator cannot file her first account and report within a short period, it is recommended that the Court appoint legal counsel to represent the conservatee and direct such counsel to investigate the actions of the conservator and (i) provide a written investigation report to the Court within 30 days, (ii) recommend to the Court whether the conservator should be removed, (iii) if it is recommended that the conservator be removed, recommend to the Court a successor conservator, (iv) recommend to the Court whether money or other property in the estate should be deposited pursuant to Probate Code section 2453, 2453.5, 2454, or 2455, to be subject to withdrawal only upon authorization of the Court, and (v) petition for surcharge against the conservator if this is in the best interests of the conservatee. (Prob. Code, § 2620.2, subd. (c).)